

2:24-cv-12  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA

Demetrius Harris  
# JM5958

(In the space above enter the full name(s) of the plaintiff(s).)

- against -

C. O. Smith & C. O. Flood,  
Individually & in their official  
capacities.  
L. T. Smith, Unit Manager  
Dick & Grievance Coordinator  
M. Andreatti/ds, Individually  
& in their official  
capacities.

COMPLAINT

under the  
Civil Rights Act, 42 U.S.C. § 1983  
(Prisoner Complaint)

Jury Trial:  Yes  No  
(check one)

**FILED**

JAN - 4 2024

CLERK U.S. DISTRICT COURT  
WEST DIST OF PENNSYLVANIA

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

L. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Demetrios Harris  
ID # JM5958  
Current Institution SCI-Greene  
Address 169 Progress dr. Waynesburg, PA 15370

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1

Name C.O. I Smith Shield # \_\_\_\_\_  
 Where Currently Employed SCI-Greene  
 Address 169 Progress dr. Waynesburg, PA.  
15370

Defendant No. 2

Name C.O. T Flood Shield # \_\_\_\_\_  
 Where Currently Employed SCI-Greene  
 Address 169 Progress dr. Waynesburg, PA.  
15370

Defendant No. 3

Name L.T. Smith Shield # \_\_\_\_\_  
 Where Currently Employed SCI-Greene  
 Address 169 Progress dr. Waynesburg, PA.  
15370

Defendant No. 4

Name U.M. Dick Shield # \_\_\_\_\_  
 Where Currently Employed SCI-Greene  
 Address 169 Progress dr. Waynesburg, PA.  
15370

Defendant No. 5

Name Grievance Coor. M. Andreatti Shield # \_\_\_\_\_  
 Where Currently Employed SCI-Greene  
 Address 169 Progress dr. Waynesburg, PA.  
15370

## II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur? SCI-Greene

B. Where in the institution did the events giving rise to your claim(s) occur? R.H.U  
IB-unit at #20 cell.

C. What date and approximate time did the events giving rise to your claim(s) occur? 10-3-03

At 4:37 p.m.

What happened to you?

Who did what?

Was anyone else involved?

Who else saw what happened?

D. Facts: On the above date & time officers C.O.I Smith & C.O.I Flood were passing out dinner trays & deprived me of properly exercising my religion by denying me a religious fasting tray that was/is approved by the chaplain and dietary, because I am muslim. When the officers acted as if they didn't know what was the issue I advised them of my religion & fasting as they attempted to force me to take and eat a regular food trays even though I just told them, Ofc. Smith stated: "Fuck you! Your not fasting! take this one or your burnt (not eating)!" At which point I asked to speak to their supervisor & for a grievance and C.O.I Flood shook his head so white C.O.I Smith stated: "Your not talking to no fucking body!" After they left, a.C.O. II came on the pod to help in escorting an inmate & I began to call for them more than a few times but was ignored as he left... statement of claim (see Attachment) continued..

### III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. Deprivation of the right to seek redress of grievance, retaliation, violation of the free exercise clause, equal protection, & freedom from discrimination violating my Civil liberty rights that is to be free from arbitrary interference in ones pursuit.. statement of injuries (see Attachment) continued..

### IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a

Attachment

II. Statement of claim (continued)

D. Facts: Ten minutes later C.O. I Flood & C.O. I Smith returned

to my cell with a tray that was missing bread, fruit, spoon & half of the portions of food for or in retaliation for being a muslim, requesting for a grievance as well as to speak to a supervisor & C.O. I Flood maliciously stated: "Here's your food! Do you want it?" I then requested for the officers to give me my food & C.O. I Smith replied: "if you're going to talk to me like that you won't get nothing" & C.O. I Flood added: "sounds like he's refusing!" I then asked: "can I please have my tray?" They began mocking me as if I were a dog saying: "Good boy!", "who's a good boy!?", "OK, we hope you enjoy it!" Then while walking away stated: "Don't worry we'll get him!"

III. Injuries (continued)

(as in expressing thoughts, practicing a religion or pursuing a living) by individuals or esp. by the government and esp. as constitutionally guaranteed. Thus violating also the First, Eighth & Fourteenth amendments by using food as retaliation causing me to suffer cruel & unusual punishment, causing pain, suffering & emotional distress. Not to mention that what they continue to do to me is against Article 1 section 06 of the PA Constitution.

prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes  No \_\_\_\_\_

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

SCI Greene

- B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes  No \_\_\_\_\_ Do Not Know \_\_\_\_\_

- C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes \_\_\_\_\_ No \_\_\_\_\_ Do Not Know

If YES, which claim(s)? \_\_\_\_\_

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes  No \_\_\_\_\_

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes \_\_\_\_\_ No

- E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

SCI-Greene

1. Which claim(s) in this complaint did you grieve? All of the above.

2. What was the result, if any? COI Smith & COI Flood

was still allowed to be around me and (see Attachment)

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. Due to the fact that

1) I never received a response to my grievances(s) when the violations first began on 10-1-03 I attempted to talk with both COI's, LT Smith as well (see Attachment)

Attachment

E. 2. What was the result, if any? (Continued)

Facts: do things to violate my rights under the D.O.C. but also my civil rights under the U.S. Constitution. They have disrespected my religion / way of life just about through the entire time of my fast, and other staff members such as the unit manager (Dick), LT (Smith), and even the Grievance Coordinator (M. Andreetti/ds) has somehow took part in making me fear to be in this prison. I never received a response to Grievance #1063588 put in on 10-3-23 nor a response to the Grievance on LT Smith in connection to Grievance #1063588 sent in on 10-18-23 (that is not to say that it wasn't sent to me but simply that I Demetrius Harris #JM5958 never was given a response).

E. 3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. (Continued)

Facts: as unit manager Dick but nothing positive was done, 3) I have been sending out request, five of which I never got a response to, (H) I sent a letter out to Travis Walker at central office about what has been going on before, in between and after I put in the grievance on 10-3-23 and all of the staff, some of which are not on my list of defendants but didn't get a response, I can rightfully state that I did all that I could to both resolve the matters as well as exhaust all remedies.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here: \_\_\_\_\_

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2. If you did not file a grievance but informed any officials of your claim, state who you informed, when and how, and their response, if any: \_\_\_\_\_

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- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. I have if not the original then a carbon copy of all request, letters as well as grievances that I have submitted about any and all problems that took place while I was suppose to be focused on my religion in my month of fasting.

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). \$25,000 in punitive & \$25,000 in compensatory damages, Recovery of my cost in this suit, a Restraining order against C.O. I

Flood & C.O. I Smith who throughout the whole month of December was allowed to continue to work around me and do things to or around me, due to his bond with LT Smith, and that both officers be banned from working the R.H.U. As well as to be given \$50,000 in punitive & \$50,000 in compensatory damages from & a restraining order against L.T. Smith, \$50,000 in punitive & \$50,000 in compensatory damages & removal of U.M. Dick as the R.H.U Unit Manager permanently, As well as \$25,000 in compensatory & punitive damages as well as removal of M. Andreatti/ids as grievance coordinator. Due to the fact that SCI Greene has a history of retaliating against the inmates I also ask to be transferred to one of two prisons of my choice - Camp Hill or Albion.

## VI. Previous lawsuits:

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

On these claims

Yes  No

- B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff \_\_\_\_\_

Defendants \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county) \_\_\_\_\_

3. Docket or Index number \_\_\_\_\_

4. Name of Judge assigned to your case \_\_\_\_\_
5. Approximate date of filing lawsuit \_\_\_\_\_
6. Is the case still pending? Yes \_\_\_\_ No \_\_\_\_  
If NO, give the approximate date of disposition \_\_\_\_\_
7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?)  
\_\_\_\_\_  
\_\_\_\_\_

C. Have you filed other lawsuits in state or federal court?

On other claims  
Yes \_\_\_\_ No

D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff \_\_\_\_\_

Defendants \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county) \_\_\_\_\_

3. Docket or Index number \_\_\_\_\_

4. Name of Judge assigned to your case \_\_\_\_\_

5. Approximate date of filing lawsuit \_\_\_\_\_

6. Is the case still pending? Yes \_\_\_\_ No \_\_\_\_

If NO, give the approximate date of disposition \_\_\_\_\_

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?)  
\_\_\_\_\_  
\_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 1 day of January, 2024.

Signature of Plaintiff Dometria Harris

Inmate Number JM 5958

Institution Address SCI - Greene  
169 Progress dr.  
Waynesburg, PA 15370  
Demetrious Harris # JM5958

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 1 day of January, 2024, I am delivering this complaint to prison authorities to be mailed to the Clerk's Office of the United States District Court for the Eastern District of Pennsylvania.

Signature of Plaintiff: Demetrious Harris